



MEMORANDUM

B&F

AGENDA ITEM NO. 3 (G)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 15, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Waiver of Formal
Bid Procedures

RECOMMENDATION

It is recommended that the Board waive formal bid procedures for the purchase of goods and services and remove the WBE set-aside measure on one contract pursuant to section 2-8.2.3 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interest of the County.

BACKGROUND

Section 1 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

None

Section 2 BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County. A bid waiver is when no competition was obtained, and negotiations took place with the vendor to formulate the contract.

None

Section 3 COMPETITIVE BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County. A "competitive" bid waiver is when bids, quotes or proposals were sought from multiple vendors and competition was obtained "in fact," although not adhering to all of the standards for full and open competition prescribed by Section 2-8.1 of the County Code and Administrative Order 3-38.

None

See Section 4, Contract Measures, below.

Section 4 CONTRACT MEASURES

Minority business measures are applied to the purchase of goods and services as determined by the County's Review Committee in accordance with the requirements of Administrative Orders 3-3, Black Business Enterprise Program; 3-17, Hispanic Business Enterprise Program; and 3-18, Women Business Enterprise Program. Upon approval of these contract measures by the Board, an invitation to bid will be issued among minority certified firms to establish a contract for the purchase of these items.

These administrative orders also state that after a bid is advertised with a set-aside or participation goals measure, it may be reduced or removed only with the approval of the Board of County Commissioners, as in the case here of Item 4.1 (Respiratory Protection Equipment). After two failed bid solicitations due to insufficient availability, on October 29, 2003 the Review Committee determined to remove the WBE set-aside measure.

Section 5 EMERGENCY PURCHASES

An emergency purchase under Administrative Order 3-38 is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in Administrative Order 3-38 including bid waiver. Whenever feasible, staff solicits at least three competitive quotes.

None

Section 6 NONCOMPETITIVE CONTRACT MODIFICATIONS

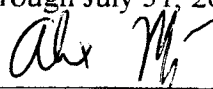
A noncompetitive contract modification is when the requested supplemental allocation for goods or services exceeds the scope of the original contract award and allocation representing, therefore, a waiver of the competitive bidding process under Administrative Order 3-38 for the additional goods and services.

None

Section 7 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is the ratification action that authorizes a prior unauthorized purchase under Administrative Order 3-38.

Item 7.1 (Automatic Door and Closure Maintenance and Repair Services, Door-O-Matic) is to allow the Aviation Department to pay outstanding invoices for maintenance and repair services incurred through July 31, 2003.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor

Agenda Item No.

Veto

Override

RESOLUTION NO.

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF CERTAIN GOODS AND SERVICES AND TO REMOVE THE WBE SET-ASIDE MEASURE ON ONE CONTRACT AND AUTHORIZING THE COUNTY MANAGER TO AWARD SAME AND EXECUTE OPTIONS TO RENEW

WHEREAS, the County Manager recommends to this Board to waive formal bid procedures for the purchase of specific items and services which cannot be purchased under normal bid procedures;

WHEREAS, the County Manager and the Review Committee recommends to this Board that it is in the best interests of the County to remove the WBE set-aside measure on one contract.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures for the purchase of specific goods and services and to remove the WBE set-aside measure on one contract and authorizes the County Manager to award such contracts and execute options to renew established thereunder, pursuant to Section 4.03(D) of the Home Rule Charter and Sections 2-8.1 and 2-8.2.3 of the County Code by a two-thirds (2/3s) vote of the Board members present.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

By: _____
Deputy Clerk

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for all the items listed in the package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interests of the County.

SECTION # 1
SOLE SOURCES

None

SECTION # 2
BID WAIVERS

None

SECTION # 3
COMPETITIVE BID WAIVERS

None

SECTION # 4
REMOVE CONTRACT MEASURES

It is recommended that the Board of County Commissioners remove the contract measure under the Women Business Enterprise (WBE) Program (Ordinance 94-94) for the item listed below.

4.1

<u>BID NUMBER:</u>	RQFR0200256
Title:	Respiratory Protection Equipment
Description:	To purchase respiratory protection equipment.
<u>Department(s):</u> Fire	<u>Estimated Allocation(s):</u> \$44,906.00
Term of Contract:	Upon delivery
Option to Renew:	None
Review Committee Date:	October 29, 2003; Item #2-03
Review Committee Recommendation:	No measure
Previous Contract Measure:	WBE Set-aside
Living Wage:	Not applicable (no services contemplated).
Planned Method of Award:	One low responsive, responsible bidder in the aggregate.
Estimated Advertisement Date:	Ten days after adopted by the BCC, unless vetoed by the Mayor.
Comments:	Authorization is requested to remove the WBE set-aside measure that was applied to the purchase of respiratory protection equipment and approved by the Board at its meeting of May 6, 2003.

Accordingly, since that date, DPM issued two successive bid solicitations. Under the first bid solicitation all bids were rejected because none of the six firms that submitted bids were certified WBE firms and, therefore, none of them were eligible for award.

Subsequently, when DPM reissued the bid solicitation under the WBE set-aside, no bids were received.

The bid solicitation was resubmitted to the Department of Business Development for further analysis. The analysis revealed insufficient availability and DBD resubmitted the item to the Review Committee. On October 29, 2003, the Review Committee approved the removal of the WBE set-aside measure.

If the Board approves the removal of the WBE set-aside measure, DPM is prepared to reissue the bid without measures.

SECTION # 5
EMERGENCY PURCHASES

None

SECTION # 6
NONCOMPETITIVE CONTRACT MODIFICATIONS

None

SECTION # 7
CONFIRMATION PURCHASES

7.1

BID NUMBER:

CP1707-AV

Title:

Automatic Door and Closure Maintenance and Repair Services, Door-O-Matic

Description:

To provide maintenance and repair services for all automatic doors at Miami International Airport.

Department(s)

Aviation

Allocation(s)

\$331,970.99

Term of Contract:

Upon completion

Option(s) to Renew:

None

Vendor(s):

Dash Door & Closer Service, Inc.

Estimated Contract Usage:

\$331,970.99

Review Committee

Recommendation:

No measure

Review Committee Date:

December 3, 2003

Living Wage:

The services that were provided are a "covered service" under the ordinance and the Living Wage was included in the proposal.

Justification:

Authorization is requested for additional spending authority to allow the Aviation Department to pay outstanding invoices incurred from January 1, 2003 through July 31, 2003 in the amount of \$331,970.99 for maintenance and repair services performed under a previous sole source contract

The contract was administratively extended for time and money from its original expiration of January 31, 2002 to April 30, 2002 with an additional allocation of \$155,008.00 in order to give DPM's Competitive Acquisition Unit sufficient time to perform the necessary market research. That research established that additional vendors are available that can competitively participate in

the bidding process for these maintenance and repair services.

Consequently, the contract was extended again to allow the Aviation Department, the principal user department, to develop specifications to enable DPM to competitively bid the new contract. The contract was extended for "time only" on DPM's understanding that sufficient funds were available.

An unanticipated number of service calls due to the Department's staff reductions, and the addition of new security doors that needed to be tied to the security system, created a situation where funds were prematurely depleted. Due to the procedures then in place for handling recurring monthly charges and repair orders, the Department did not request additional funds for the unfunded extension from May 1, 2002 to July 31, 2003. When the Airport Purchasing Specialist responsible for this contract realized that funds had been depleted it was too late to schedule a contract modification for additional funding to go to the BCC before the contract expired on July 31, 2003.

Thus, this "confirmation purchase" is necessary under new Administrative Order 3-38 to approve the payment of services rendered by the vendor to July 31, 2003 that were not adequately funded at the time.

In order to avoid this from occurring again, the department has implemented the following guidelines:

1. No releases against the purchase orders will be given, except by the Airport Purchasing Specialist;
2. The Airport Purchasing Specialist will make sure to ask for funds on every extension as needed; and
3. End users of the contract will contact the Airport Purchasing Specialist prior to authorizing work. No notice to proceed orders will be given without the Specialist's approval, except in emergencies. In emergency cases, the Specialist will be notified immediately on the following business day.

Meanwhile, for effective contract administration at the present time, a temporary bid waiver contract for a one-year period was approved by the Board at its meeting of July 8, 2003, pending the award of a new, competitively bid contract within the year.
